

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

**MARJORIE FERRELL, ET AL.,
PLAINTIFFS**

**CASE NO. C-1-01-447
(BECKWITH, J)
(HOGAN, M.J.)**

VS.

**WYETH-AYERST LABORATORIES,
INC., ET AL.,
DEFENDANTS**

ORDER

Before the Court is Plaintiffs' Motion for Voluntary Dismissal with Prejudice (Doc. 151), Plaintiffs' Motion to Suspend Notice Deadline (Doc. 152), Wyeth's Memoranda in Opposition (Docs. 153 and 154) and Plaintiffs' Combined Reply (Doc. 156). Plaintiffs' Motion is a dispositive one and properly before the Chief Judge, not the lowly magistrate, as neutral and detached as he is. Part and parcel of said Motion, however, is a request to continue the Notice deadline in this class-action case. This Court is convinced that no prejudice would inure to the Defendant if the Notice deadline were stayed until the Chief Judge has the opportunity to rule on the pending and fully briefed Motion for Voluntary Dismissal with Prejudice.

It is therefore ordered that the Notice deadline, currently set for June 1, 2006 be stayed until Plaintiffs' Motion to Dismiss the indirect purchasers is decided.

s/Timothy S. Hogan

May 26, 2006

Timothy S. Hogan
United States Magistrate Judge